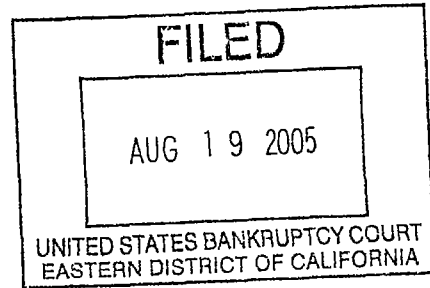


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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re	)	Case No. 05-20967-C-7
	)	
CLAIRE E. HAMILTON,	)	DC No. JRR-01
	)	
Debtors.	)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
ON TRUSTEE'S OBJECTION TO DEBTOR'S EXEMPTION**

The debtor claimed \$30,429 as exempt. Of that sum, \$11,754 was claimed exempt under California Code of Civil Procedure § 703.149(b)(5). The trustee has no objection to that claim of exemption.

The debtor also claimed \$18,675 under California Code of Civil Procedure § 703.140(b)(11)(D). The trustee objects to this claim of exemption.

The key question is whether the causes of action embodied in the Amended Complaint in case number 03-AS-04326 under California Government Code § 8547.8 and California Labor Code § 1102.5, filed in the Sacramento County Superior Court on September 8, 2003, authorizes an award of damages for "personal bodily injury" or compensation for actual pecuniary loss within the meaning California Code of Civil Procedure § 703.140(b)(11)(D).

The court is persuaded that the pertinent statutes upon

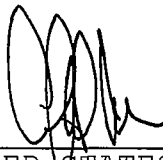
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1 which the debtor founds her causes of actions do not permit  
2 an award that satisfies the requirements of the exemption  
3 statute. Thus, the objection to exemption will be  
4 sustained.

5 In addition, the court notes that the total amount of  
6 the debtor in this bankruptcy case is approximately \$26,000  
7 and that, if the cause of action has the value that the  
8 debtor asserts, the need to exempt the property may be  
9 mooted by the debtor's eligibility to distribution under 11  
10 U.S.C. 726(a)(6).

11 An appropriate order will issue.

12 Dated: August 19, 2005

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15 UNITED STATES BANKRUPTCY JUDGE  
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**CERTIFICATE OF SERVICE**

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

Claire Hamilton  
3910 Auburn Blvd. #60  
Sacramento, CA 95821

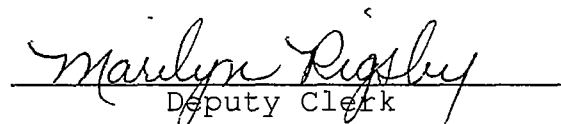
David Fox  
5650 Marconi Avenue #21  
Carmichael, CA 95608-4468

Johh Roberts  
P.O. Box 1506  
Placerville, CA 95667-1506

Office of the United States Trustee  
United States Courthouse  
501 "I" Street, Suite 7-500  
Sacramento, CA 95814

**\*\* and all other interested parties \*\***

Dated: 8/22/05

  
Deputy Clerk